

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3-11, 13-28, and 30-36 are presently active in this case, Claims 1, 11, 21, and 28 having been amended and Claims 37-40 having been canceled without prejudice or disclaimer by way of the present Amendment. The Applicant respectfully requests entry of the amendments set forth herein as they are believed to place the application into condition for allowance.

In the outstanding Official Action, Claims 1, 3-11, 13-28, and 30-40 were rejected under 35 U.S.C. 103(a) as being unpatentable over Levi (U.S. Patent No. 6,636,983) in view of Naito et al. (U.S. Patent App. Pub. No. 2001/0029530). For the reasons discussed below, the Applicant traverses the obviousness rejection.

The basic requirements for establishing a *prima facie* case of obviousness as set forth in MPEP 2143 include (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, (2) there must be a reasonable expectation of success, and (3) the reference (or references when combined) must teach or suggest all of the claim limitations. The Applicant submits that a *prima facie* case of obviousness has not been established in the present case because (1) the references, either when taken singularly or in combination, do not teach or suggest all of the claim limitations, and (2) there is no suggestion or motivation to modify the references to arrive at the present invention.

Claim 1 of the present application advantageously recites a peripheral device comprising, among other features, means provided in the peripheral device for selecting one peripheral device out of the plurality of peripheral devices, including peripheral devices other than the peripheral device, to manage the peripheral devices, wherein the peripheral device is selected out of the plurality of peripheral devices to manage the plurality of peripheral devices. Claim 11 recites a system comprising, among other features, means provided in each peripheral device for selecting one peripheral device out of the plurality of peripheral devices, including peripheral devices other than the peripheral device, to manage the plurality of peripheral devices, wherein the one peripheral device is selected out of the plurality of peripheral devices to manage the plurality of peripheral devices. Claim 21 recites a method comprising, among other steps, the step of using a peripheral device of the plurality of peripheral devices to select one peripheral device out of the plurality of peripheral devices, including peripheral devices other than the peripheral device, to manage the peripheral devices, wherein the peripheral device is selected out of the plurality of peripheral devices to manage the plurality of peripheral devices. And Claim 28 recites a computer program product comprising, among other features, a second computer code device configured to select the one peripheral device out of the plurality of peripheral devices, including peripheral devices other than the peripheral device, to manage the peripheral devices, wherein the peripheral device is selected out of the plurality of peripheral devices to manage the plurality of peripheral devices. The Applicant submits that the above features are not disclosed or suggested by the cited references.

The Official Action acknowledges that the Levi reference fails to teach means provided in the peripheral device for selecting one peripheral device out of a plurality of peripheral devices to manage the peripheral devices. The Official Action cites the Naito et al. reference for such a teaching. The Official Action indicates that the server (2) of the Naito et al. reference is cited for the teaching of the peripheral device of the present invention that that performs the setting of another peripheral device other than itself. The Official Action implies that because the server (2) of the Naito et al. reference has a web server function, and since some of the dependent claims of the present application indicate that the peripheral device of the present invention have a web server, then the server (2) is a peripheral device. However, this reasoning is flawed. The Applicant notes that peripheral devices can include web connection function while maintaining the status as a peripheral device, but that the server (2) of the Naito et al. reference is clearly not a peripheral device but rather, as is noted in the Naito et al. reference, it “plays a main role” in the network. (Page 4, paragraph [0109].) It should be noted that the Naito et al. reference itself specifically refers to “peripheral devices” separate from the server and manager PCs (page 4, paragraph [0110]), and thus the Naito et al. reference clearly recognizes this distinction.

Claims 1, 11, 22, and 28 have been amended to specify that the peripheral device is selected out of the plurality of peripheral devices to manage the plurality of peripheral devices. The Applicant submits that the server (2) of the Naito et al. reference, which is cited for the teaching of the peripheral device recited in the independent claims of the present application, clearly is not a peripheral device as this terminology is commonly used in the art.

The server (2), as depicted in Figure 1, for example, is clearly separate from the printers (6, 7) and function composite type copying machines (8, 9).

The Naito et al. reference does not disclose that any of the peripheral devices includes means for selecting one peripheral device out of the peripheral devices to manage the peripheral devices, where the peripheral device is selected out of the plurality of peripheral devices to manage the plurality of peripheral devices. The Naito et al. reference depicts and describes an embodiment in Figures 1 and 2 that includes peripheral devices, for example, printers 6 and 7, and copying machines 8 and 9. As noted in paragraphs [0131] and [0132], the peripheral devices each include a network board, which are each labeled with reference numeral (212) in the peripheral devices. None of the peripheral devices, such as printers (6 and 7) and copying machines (8 and 9), are ever described as having the ability to select one peripheral device out of the peripheral devices to manage the peripheral devices. Additionally, the Naito et al. reference does not describe the server or the manager PCs as a peripheral device.

None of the portions of the Naito et al. references referred to on page 3 of the Official Action describe a peripheral device that has the ability to select one peripheral device out of the peripheral devices to manage the peripheral devices, nor do they describe a peripheral device with the ability to manage other peripheral devices. The peripheral devices merely receive instructions and updated setting from the server (2) or the manger PC (3) (see, e.g. [0112]-[0115]), but the peripheral devices do not manage other peripheral devices.

Accordingly, the Applicant submits that independent Claims 1, 11, 21, and 28 are not

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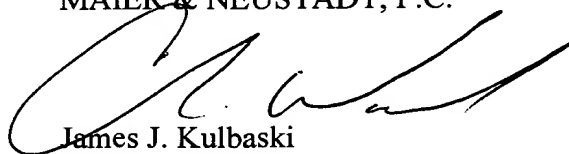
obvious in view of the combination of the Levi reference and the Naito et al. reference, as these references, either when taken singularly or in combination, fail to disclose or even suggest the limitations recited in the independent claims of the present application.

The dependent claims are considered allowable for the reasons advanced for the independent claims from which they respectively depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the applied references when those features are considered within the context of their respective independent claim.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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